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09/654,801	09/05/2000	Oren Zamir	13312.6US11	7463
23552	7590	03/28/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 03/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/654,801

Applicant(s)

ZAMIR

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-154 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-154 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/6/01; 3/22/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-153 are pending. Claims 1-153 are rejected.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-154 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-136 of copending Application No. 09/655,185, 09/654,822. Although the conflicting claims are not identical, they are not patentably distinct from each other because this application contains the combination of search with some mention of alert criteria. Both applications contain client queries inputted by the client, matching queries against extracted terms received from information streams, storing results and providing query results. Furthermore, they both contain methods determining whether to issue an alert to the user of client systems. Also, both receive the same type of content from the same type of sources that comprise the information streams. Finally, they both employ the same matching strategies and search techniques to extract and match extracted terms from the information stream.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections ~ 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1, 24, 27, 30, 45, 65, 80, 93, 108 and 148 and 2, 3, 31, 32, 46, 47, 66, 67, 81, 82, 94, 95, 109, 110, 149 and 4, 33, 48, 68, 83, 96, 111, 150 and 5-6, 34, 50, 69, 84, 97, 112, 148-153, are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al., US Pat. No. US 6,381,594.**

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6. As to claims 1, 24, 27, 30, 45, 65, 80, 93, 108 and 148, Eichstaedt teaches a system and method for real time alert, said method comprising the steps of:

receiving an information packet; said information packets either provided by an information source or representative of a portion of a received signal provided by an information source (Col. 3, lines 6-62; Col. 4, lines 21-65);

extracting at least one extracted term out of the information packet (Col. 10, line 4 – col. 11, line 57);

determining whether an extracted term out of said at least one extracted term matches an alert term, and accordingly updating a matching term information representative of a reception of matching extracted terms, an alert criteria comprising of at least one alert term, said matching term information being stored in a storage means that is configured to allow fast insertion and fast deletion of content (Col. 3, lines 30-55; Col. 4, lines 21-65; Col. 10, line 4 – col. 11, line 57);

processing at least a portion of the matching extracted term information to determine to issue an alert (Col. 4, lines 21-65); and

issuing at least one alert to at least one client system, according to said determination (Col 4, lines 53-55).

7. As to claims 2, 3, 31, 32, 46, 47, 66, 67, 81, 82, 94, 95, 109 and 110, 149, Eichstaedt teaches the portion of the matching extracted term information is determined by at least one alert criteria.

8. As per claims 4, 33, 48, 68, 83, 96 and 111, 150, Eichstaedt teaches matching during a predetermined period of time (Col. 1, line 67 - Col. 2, line 9; Col. 11, lines 32-57).

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9. As per claims 5, 34, 50, 69, 84, 97, 112, 148-153, Eichstaedt teaches the invention as described above and further teaches wherein a reception of an information packet is followed by the steps of storing the information packet with an associated packet identifier in the storage means, storing extracted term information representative of a reception of at least one extracted term at the storage means, at least one extracted terms extracted from the information packet, and linking between the stored information packet and the extracted term information (Col. 3, lines 6-16; Col. 4, lines 38-47; Col. 9, lines 37-51; Figures 2, 3, 5, and 6).

10. As per claims 6, Eichstaedt teaches the invention as described above and further teaches wherein the storage means is a term index data structure (Col. 11, lines 32-57).

**11. Claims 7-21, 32-33, 35, 36, 52, 62, 71, 86, 99, 112-114, 117 and 121-123, 70, 85, 98, , 37, 49, 53, 72, 87, 100, and 118, 116, 12, 38, 54, 73, 88, 101, 119 and 124, 13, 39, 55, 74, 89, 102 and 120, 15, 56, 63, 26-28, 43, 44, 57, 58, 125-128, 134-136, 40, 59, 75, 90, 103 and 129, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt, and further in view of Diamond (US 6,269,368).**

12. As per claims 7, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches the step of matching is preceded by adding control data to the information packets, filtering the plurality of information packets, processing the extracted terms by adding control information to the extracted terms, filtering the extracted terms to generate filtered extracted terms, and storing an extracted term in a term index data structure (Diamond: Col. 1,

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lines 21-36; Col. 10, lines 40-49; Col. 10, lines 13-19 & lines 32-34: The terms are parsed, stemmed and filtered to remove certain words).

13. As per claim 8, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein the extracted terms are extracted out of the plurality of information packets by parsing and stemming the plurality of information packets; and wherein the step of filtering further comprises a step selected from a group consisting of discarding the terms constructed of one-letter words, discarding the terms constructed of frequently used words, discarding said terms constructed of stop-words, and discarding the terms constructed of predefined words (Diamond: Col. 1, lines 21-3; Col. 10, lines 40-49: The terms are parsed, stemmed, and filtered to remove certain stop-words and various other critical words and phrases).

14. As per claims 9, 35, 70, 85, 98, 116 Eichstaedt-Diamond teaches the invention as described above and further teaches wherein a deletion of an information packet is followed by a step of deleting the linked extracted term information Col. 11, lines 32-57: When the terms are deleted, all information and data is deleted as well).

15. As per claims 10, 32-33, 36, 52, 62, 71, 86, 99, 112-114, 117 and 121-123, Eichstaedt-Diamond teaches the invention as described above and further teaches wherein the information packets are stored in a messages hash, and wherein the linked extracted term information is stored in a terms hash (Eichstaedt, Figures 5 and 6; Col. 8, lines 12-67).

16. As per claims 11, 37, 49, 53, 72, 87, 100, and 118, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein the extracted term information comprising of at least one information field selected from a group consisting of a last

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modification time field, indicating a most recent time of reception of the extracted term, during a predetermine period of time, a number of channels containing term, indicating a number of information sources that provided the extracted term during a predetermine period of time, a total instances field, indicating a total amount of receptions of the extracted term during a predetermine period of time; and a terms inverted entries map, comprising of a plurality of terms inverted file entries, each entry holding information representative of a reception of the extracted term from a single information source during a predetermined period of time (Eichstaedt, Figure 6, item 626; Col. 9, lines 42-44: Match column contains the total number of items the extracted term was found).

17. As per claims 12, 38, 54, 73, 88, 101, 119 and 124, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein each inverted file entry comprising of at least one field selected from a group consisting of a channel identifier, for identifying the information source that provided the extracted term during a predetermined period of time, instances number, for indicating a total amount of receptions of the extracted term from an information source during a predetermine period of time; and time of last appearance, for indicating a most recent time of reception of the extracted term from an information source during a predetermine period of time (Eichstaedt, Figure 6, item 626; Col. 9, lines 42-44: Match column contains the total number of items the extracted term was found).

18. As per claims 13, 39, 55, 74, 89, 102 and 120, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein each information packet is further associated to a message terms key map, the message key map comprising of a plurality of message characteristic entries, each message characteristic entry associated to an extracted term

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being extracted from the information packet, said message characteristic entry comprising of at least one of the following fields selected from a group consisting of a term inverted file, for pointing to the term extracted information, an instance of number, for indicating a number of time said extracted term appeared in the information packet, and an inverted file entry, for pointing to a terms inverted file entry (Eichstaedt, Figure 6, item 626; Col. 9, lines 42-44: Match column contains the total number of items the extracted term was found).

19. As per claims 14, 15, 56, 63, Eichstaedt-Diamond teach using a terms inverted file system to organize the queries, inserting an information source identification, where the information source provided the extracted term (Col. 10, lines 11-39).

20. As per claim 16, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein the step of deleting further comprising a step of deleting an extracted term by a **garbage collection** process and canceling a link between the term in the terms hash table and the terms in the inverted file (Eichstaedt, Col. 11, lines 32-57: Eichstaedt deletes the objects in the tree index structure and deletes the links in the linked list structure).

21. As per claims 17-20, 26-28, 43, 44, 57, 58, 125-128, 134-136, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein an information source is selected from a group consisting of data network providers, chat channels providers, news providers, and music providers (Eichstaedt, Col. 3, lines 30-54); group of text, audio, video, multimedia, and executable code streaming media (Eichstaedt, Col. 3, lines 30-54); wherein the step of matching further involves a step of computing a similarity between a client query and a group of at least one information packet (Eichstaedt, Col. 4, lines 38-47) and further wherein the group of at least one information packet comprising of at least one information

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packet received from a single information source (Eichstaedt, Col. 4, lines 38-47: The search processor inherently separates each stream white it checks them in order to determine the source of the matching information).

22. As per claims 21, 40, 59, 75, 90, 103 and 129, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein the similarity reflects at least one parameter selected from a group consisting of:

- a total amounts of extracted terms being received from at least one information source during a predefined time interval,

- a number of relevant extracted terms being received from at least one information source during the predefined time interval,

- a total number of information sources being searched during the predefined time interval, an elapsed time since a last appearance of a relevant extracted term from an information source during the predefined time internal,

- a position of relevant extracted terms in at least one information source,

- extracted term in proximity to a relevant extracted term,

- a part of speech of a relevant extracted term, and

- a relevant extracted term frequency and importance in a language of the information source (Eichstaedt, Col. 4, lines 38-47: The search processor inherently separates each stream white it checks them in order to determine the source of the matching information; Eichstaedt, Col. 9, lines 30-57: Match column contains the total number of times the extracted term was found).

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**23. Claims 22, 41, 60, 76, 91, 104 and 130, 23, 42, 61, 77, 92, 105 and 131, 51, 78, 79, 106, 107 and 137-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt-Diamond, and further in view of Fox et al. (US 6,574,632).**

24. As per claims 22, 41, 60, 76, 91, 104 and 130, Eichstaedt-Diamond teaches the claimed invention as described above and further teaches wherein the step of matching implements a matching technique consists of Boolean based matching (Eichstaedt, Col. 5, lines 24-26). However, Eichstaedt-Diamond do not explicitly teach probabilistic matching, fuzzy matching, proximity matching, and vector based matching.

Fox teaches complex matching techniques including: probabilistic matching, fuzzy matching, proximity matching, and vector based matching (Fox: Col. 3, lines 29-37; Col. 6, lines 38-56: Retrieval strategies: Boolean, probabilistic, fuzzy, vector, and other complex matching strategies).

By implementing the numerous matching techniques of Fox in the search engine system of Eichstaedt-Diamond, Eichstaedt-Diamond would have been able to provide more accurate and reliable query results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fox in the system of Eichstaedt-Diamond because by implementing the specification as described above, the users of Eichstaedt-Diamond system can now access the same retrieval system through multiple precisions algorithms giving the user more options and more control of the system (Fox: Col. 3, lines 36-50).

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25. As per claims 23, 42, 61, 77, 92, 105 and 131, Eichstaedt-Diamond-Fox teaches the claimed invention as described above and further teaches complex matching techniques (Fox: Col. 3, lines 29-37; Col. 6, lines 38-56).

26. As per claims 51, Eichstaedt-Diamond-Fox teaches the invention as described above and further teaches wherein the storage means is a term index data structure (Eichstaedt, Col. 11, lines 32-57).

27. As per claims 78, 79, 106, 107, Eichstaedt-Diamond-Fox teaches the claimed invention as described above and further teaches wherein the group of at least one information packet comprising of at least one information packet received from a single information source (Eichstaedt, Col. 4, lines 38-47: The search processor inherently separates each stream while it checks them in order to determine the source of the matching information).

28. Claims 137-147 are a combination of claims 1-136, therefore, claims 137-147 are rejected under the same rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**